IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 1126 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/03/2005 in WP NO : 25202 OF 2002 on the file of the High Court.)

Between:

Sri Kanyaka Hotel Enterprises rep. by its Managing Director
Srinivasa Rao, S/o. Adinarayana, Aged 40 Years,
Brodipet Guntur

..... APPELLANT

AND

1 The Vice Chairman & Managing Director, Andhra Pradesh Industrial Development Corporation Ltd., Parishram Bhavan, 5-9-58/B, Fathe Maidhan Road, P.O. Box No. 25, Hyderabad-4
2 The Managing Director, Andhra Pradesh State Finance Corporation, Chirag Ali Lane, Hyderabad

.....RESPONDENTS

Counsel for the Appellant: MR.Y.RATNAKAR

Counsel for the Respondent No.1 : MR.P.V.RAVINDER KUMAR

Counsel for the Respondent No.2: MR.Y.N.LOHITA

The Court made the following :

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

The writ petition was originally filed seeking declaration of action of respondent No.1 in seizing the assets of the petitioner and notification dated 14.11.2002 published in newspaper calling for tenders for sale of assets of the petitioner, as arbitrary, illegal and violative of the fundamental rights.

The writ petition was filed on the ground that in the year 2000, the petitioner had entered into one time settlement with the financiers and he had not been able to comply with one time settlement and sought for some more time in order to implement the one time settlement. The learned single Judge found that only the auction notice was challenged and not even the action initiated under Section 29 of the A.P. State Finance Corporation Act was challenged.

The learned Counsel for the appellant submits that in the auction, the property has fetched Rs.183 lakhs and he should have also been given an opportunity to offer this amount to the respondents. The notice for auction was published in the newspapers and nobody had stopped the petitioner from participating in the auction. Since the property has already been auctioned and it is submitted at Bar that the proposed purchaser had already deposited 3/4th of the amount, we do not think any interference is called for at this stage. We are also told that the writ petitioner, for the same relief, had earlier filed three writ petitions being W.P.Nos.4157, 4586 & 8269 of 1995, which were dismissed and he had been successful to defeat the recovery of money for the last five years.

In these circumstances, we do not find any merit in the appeal, which is accordingly dismissed. No order as to costs.

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BILAL NAZKI, ACJ

17th June 2005.

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G.CHANDRAIAH, J

ajr

..... REGISTRAR

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SECTION OFFICER

To

1 The Vice Chairman & Managing Director, Andhra Pradesh Industrial Development Corporation Ltd., Parishram Bhavan, 5-9-58/B, Fathe Maidhan Road, P.O. Box No. 25, Hyderabad-4

2 The Managing Director, Andhra Pradesh State Finance Corporation, Chirag Ali Lane, Hyderabad

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